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FM AMEMBASSY ASHGABAT

TO RUEHC/SECSTATE WASHDC IMMEDIATE 2485

INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE PRIORITY
RUCNCIS/CIS COLLECTIVE PRIORITY

RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY

RUEHAK/AMEMBASSY ANKARA PRIORITY 4953

RUEHBJ/AMEMBASSY BEIJING PRIORITY 2713

RUEHKO/AMEMBASSY TOKYO PRIORITY 2578

RUEHIT/AMCONSUL ISTANBUL PRIORITY 3197

RHMFIA/CDR USTRANSCOM SCOTT AFB IL PRIORITY

RHMFIA/CDR USCENTCOM MACDILL AFB FL PRIORITY

RUEAAIA/CIA WASHDC PRIORITY

RHEFDIA/DIA WASHDC PRIORITY

RUEKJCS/JOINT STAFF WASHDC PRIORITY

RHEHNSC/NSC WASHDC PRIORITY

RUEKJCS/SECDEF WASHDC PRIORITY

RUEHVEN/USMISSION USOSCE PRIORITY 3398

S E C R E T SECTION 01 OF 02 ASHGABAT 000350

SIPDIS

STATE FOR SCA/CEN

E.O. 12958: DECL: 03/17/2019

TAGS: PREL MARR TX

SUBJECT: TURKMENISTAN: UNRESOLVED OVERFLIGHT FEES,
OVERFLIGHT CAPS, AND IMPLICATIONS FOR BLANKET OVERFLIGHT
CLEARANCE

REF: ASHGABAT 0178

Classified By: Charge Richard Miles for reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: Turkmenistan has banned the overflight of all USG aircraft not covered by our blanket overflight agreement until we pay overflight bills from 2007 and 2008. The U.S. Government does not pay overflight fees for state aircraft, but we may be able to resolve this issue with an "in-kind" gift. We believe this problem surfaced because of the lack of revenue to Turkmen State Civil Aviation caused by the decision not to land U.S. aircraft at Ashgabat airport until the fuel pit is repaired. A fuel pit work-around may start as early as the end of March and last until the fuel pit is repaired. However, a stickier problem is that we are close to exceeding the agreed overflight cap of 1600 planes and exceeded it by more than 25% last year. If the U.S. wants Turkmenistan to raise that cap, it may require sending a high-level civilian DOD official to discuss it with the Turkmen. END SUMMARY.

¶2. (C) In late January, the Turkmenistan Government sent the Embassy a letter claiming that overflight fees were owed for calendar years 2007 and 2008. The letter demanded that the attached invoices be paid in full within 30 days. Although the Embassy immediately requested a meeting with the relevant Turkmenistan authorities, those authorities did not meet with DATT until March 13. During that meeting, the head of Turkmen State Civil Aviation (THY), Tirkishov told DATT that THY will be continuing its research back to 2001 and will be presenting further bills in the future. In addition, until paid, the charges would accrue interest. Tirkishov said any flight not transporting humanitarian cargo will not be given permission to enter Turkmenistan air space.

(COMMENT: Because of this statement by Tirkishov, we do not believe that this overflight ban applies to those flights covered by our annual blanket overflight agreement. It will, however, affect VIP aircraft or other flights with call signs not included on the blanket overflight clearance. END COMMENT.) He added that DOD contracted flights would not be affected since those aircraft will continue to pay charges as they have in the past.

¶3. (C) Tirkishov also noted that the number of flights transiting Turkmenistan is taxing the outdated ATC equipment and that the increased workload of USAF flights in and out of Afghanistan is overwhelming for the ATC controllers. He intimated that it might be possible to work out improvements to the ATC equipment as payment in kind for the bill, but added that until the details are finalized, Turkmenistan would not change its position regarding the overflight ban.

¶4. (C) Turkey, Germany, the UK, and France also received bills for military flights transiting Turkmenistan air space.

So far, only Turkey has paid. Germany, UK, and France consider these aircraft "state" aircraft and have refused to pay.

¶5. (S) While U.S. policy forbids payment of overflight and air navigation fees for state aircraft, the bill payment issue may be relatively easy to resolve. And the ban affects a small number of flights - roughly as few as four per month.

If we are able to replace the ATC equipment or provide something else "in kind," the bill issue may go away. We believe that the likely reason it even surfaced is because U.S. planes which do pay landing fees (service charges) have not been using Ashgabat airport since July 2008 because of the need to repair the fuel pit. This has resulted in a \$3,000-\$5,000/plane loss of revenue for THY and could have amounted to \$360,000 to 600,000 (120 planes) during the 8-month period. With the decrease in revenue, the Turkmen looked around for something to make up the difference. Refueling is scheduled to start on March 26 with DESC

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supported safety oversight, while the Turkmen fuel pit is being repaired.

¶6. (S) The stickier problem is the other one to which Tirkishov alluded. In November 2007, when our blanket overflight was renewed, agreement was reached with Foreign Minister Meredov that the number of overflights would remain roughly the same and would not exceed 1600. The total number of flights January 1 - February 2009 using the blanket overflight clearance is over 700 and projected to be nearly 1100 by the end of March. We have learned that the total number of flights for 2008 was 2159, more than 25% over our agreed cap.

¶7. (S) Granted, the increased activity in Afghanistan may cause us to want to approach the Turkmen to raise the cap. This will have to be approached delicately. After all, we do not want to lose our blanket overflight privileges. In 2007, they explained the cap was needed because they did not want to attract the attention/criticism of other countries (Russia, Iran). Moreover, we already went considerably over the agreed limit last year. Having a high-level civilian representative of DOD discuss this with the Turkmen would give us the best chance of raising the cap. The Charge will raise it with Foreign Minister Meredov, but is not at all sanguin that this approach will resolve the problem. The Turkmen have asked for more high-level American visitors, and it will take that to get them to effect this change. At the current rate of overflights, we will reach 1600 before mid-year.

MILES